

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

IN RE:)	
LEE ROY CATO, Jr.)	CHAPTER 7 CASE
DEBORAH L. CATO)	CASE NO.: 23-10202
Debtor(s).)	

**CONSENT ORDER APPROVING SALE FREE AND CLEAR OF LIENS AND
APPROVAL AND PAYMENT TO PROFESSIONALS**

This matter came before the Court upon the Motion of James C. Overstreet, Jr., Chapter 7 Trustee, seeking leave to sell certain property of the estate described more fully as 507 Lee Court, Thomson, Georgia 30824 ("Property").

Trustee proposes to sell Property to Billy Joe Church, Jr. and Karen Elizabeth Church (jointly, "Buyer") for the gross sales price of \$79,000.00 free and clear of all liens and claims. From the proceeds of sale, Trustee shall pay, the following, in order of priority,

- a. Ordinary and customary closing costs including deed stamps and taxes if required by the Contract all as required by the Purchase and Sale Agreement; then
- b. Any real estate taxes, back or current, owed to any local taxing authorities for ad valorem taxes; then

- c. Real Estate Commissions due to Billy Franke and Franke Real Properties, LLC (“Broker”) in the amount of seven percent (7%) of the gross sales price for Property; then
- d. Amounts necessary to release the first position lien in favor of Rightpath Servicing (“Bank”) believed to be approximately \$12,500.00; then
- e. The Debtors’ exemption amounts of \$39,500.00 directly to the Debtors at closing; then
- f. The balance of any sales proceeds, after payment of the above, shall be paid over to the Estate (“Net Sales Proceeds”).

Your Trustee also seeks approval of, and permission to pay realtors commissions on such sale to (“Broker”). After a hearing on the matter and for good cause shown,

IT IS HEREBY ORDERED that the Trustee shall be authorized to sell Property to Buyer under normal and customary terms for the gross sales price of \$79,000.00.00. Such sale shall be free and clear of all liens save that of Bank and any local taxing authorities for real estate ad valorem taxes, which liens shall be paid out as set forth above at closing and in full and final satisfaction of all claims and interests that such parties have in Property or the sales proceeds therefrom. Trustee shall also be authorized to pay ordinary, customary and closing costs in accordance with the Purchase and Sales contract attached to Trustee’s Application as “Exhibit A.”

Any other valid liens not otherwise paid out at closing shall attach to the net proceeds of such sale to the same extent and priority as such lien would have attached to Property.

IT IS FURTHER ORDERED that professional fees and commissions to Broker in the amount of 7% of the gross sales price of Property are hereby approved. Such commissions shall be paid from the proceeds of any closing.

[END OF DOCUMENT]

Presented by:

/s/ James C. Overstreet, Jr.

James C. Overstreet, Jr.

Chapter 7 Trustee

State Bar No.: 556005

KLOSINSKI OVERSTREET, LLP

1229 Augusta West Parkway

Augusta, GA 30909

(706) 863-2255

Consented To by:

/s/ Zane Leiden

Zane Leiden

Attorney for Debtors

State Bar No.: 445820

LEIDEN & LEIDEN

330 Telfair Street

Augusta, Georgia 30901

(706) 724-8548

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing PROPOSED CONSENT ORDER was served upon the parties below by placing a copy of the same in the United States Mail, first class, postage prepaid and properly addressed as follows:

LEE ROY CATO, Jr.
507 LEE COURT
THOMSON, GA 30824

Rightpath Servicing
P.O. Box 619098
Dallas, Texas 75261-9741

This is to certify that the below-named parties have this day been served a copy of the above-referenced document via CM/ECF electronic mail:

Office of the United States Trustee
E-mail: Ustpreion21.sv.ecf@usdoj.gov

Zane P. Leiden
E-mail: COURTINFO@LEIDENANDLEIDEN.COM

Date: 8/09/2023

/s/ James C. Overstreet, Jr.
James C. Overstreet, Jr.
State Bar No. 556005

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